THE HON'BLE SRI BILAL NAZKI, THE ACTING CHIEF JUSTICE

AND

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

WRIT APPEAL NO.1015 OF 2007

Dated 24th December, 2007

Between:

The Nadendla Gram Paanchayat .... Appellant

And

The Rrajakaseva rep. by its Secretary,
Nadendla Village and two others ... Respondents

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AND

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

WRIT APPEAL NO.1015 OF 2007

J U D G M E N T (Per Hon'ble Sri Bilal Nazki, the Acting Chief Justice):

This writ appeal has been filed aggrieved by the order dated 22-08-2007 of the learned Single Judge in W.P.M.P.No.30967 of 2006 in W.P.No.24247 of 2006 whereby the learned Single Judge made the stay of auction granted earlier absolute.

The appellant herein is respondent No.1 in the writ petition. The writ petitioner filed the writ petition seeking setting aside of the auction notice dated 08-11-2006 issued by respondent No.1 and for a consequential direction to the respondents to implement G.O.Rt.No.343, dated 10-05-1978. The learned Single Judge while admitting the writ petition, granted interim stay of auction. The appellant filed a vacate stay petition being WVMP No. 2461 of 2006 to vacate the order of stay. By order dated 22-08-2007 the learned Single Judge dismissed the WVMP by making the interim stay granted earlier absolute.

Heard learned counsel for the parties.

There is a dispute with regard to the fishing in the pond, which is claimed by both the writ petitioner-Rajakaseva Sangham and the Gram Panchayat. Till the dispute is resolved, it would be necessary to

pass an order for disposal of the fish, because if the fish is not disposed at an appropriate time, there would be loss and ultimately, whoever is entitled to money will be a loser.

In this view of the matter, we, after hearing learned counsel for the parties, vacate the stay granted by the learned Single Judge and direct the Collector of Guntur District to appoint an Officer not below the rank of Revenue Divisional Officer, who will conduct the auction of the fish after giving sufficient notice to the prospective purchasers and ensure that the right price is secured for the fish. After the auction, the money shall be deposited in a Nationalised Bank against a fixed deposit in the account of the Collector, Guntur District for a period of three months initially. After catching the fish, the water tank shall be, within one week, handed over back to the writ petitioner society.

The writ appeal is accordingly disposed of. No order as to costs.

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Bilal Nazki, ACJ

Dated 24th December, 2007

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Ramesh Ranganathan,J

Note: Issue C.C in two days

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